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JUL 10 2006

Serial No. 10/777,394, filed 2/12/04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: John P. Nohl

SERIAL NO.: 10/777,394

FILED: February 12, 2004

FOR: **ELECTRICALLY CONTROLLED IN-MUFFLER  
EXHAUST VALVE FOR USE DURING CYLINDER  
DEACTIVATION**

ATTORNEY DOCKET NO: 60,130-2034 (04ARM0127)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

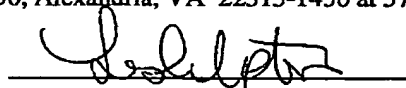
**THIRD PRELIMINARY AMENDMENT**

Please preliminarily amend the subject patent application as follows.

**CERTIFICATE OF FACSIMILE**

I hereby certify that this Second Preliminary Amendment is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on

7/10/06

  
Lesley Upton

**BEST AVAILABLE COPY**